



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2018

CORAM :

THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

W.P. (MD) No.22534 of 2018

and

W.M.P. (MD) No.20382 of 2018

L.B.Shanmugam

..... Petitioner

Vs.

1.The Assistant Commissioner,
Tiruchirappalli Corporation,
Ariyamangalam Zone,
Tiruchirappalli,
Tiruchirappalli District.

2.The Commissioner,
Tiruchirappalli Corporation,
Tiruchirappalli,
Tiruchirappalli District

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the first respondent in Na.Ka. No. A1/04721/208 (Ariya) dated 26.10.2018 and quash the same.

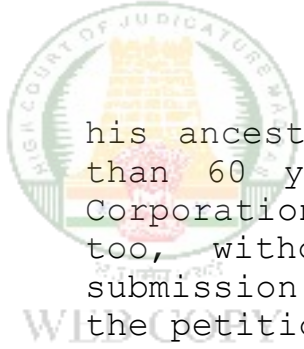
For Petitioner	: Mr.M.Ashok Kumar
For Respondents	: Mr.N.S.Karthikeyan Standing Counsel

O R D E R

This writ petition has been filed for issuance of Writ of Certiorari to quash the impugned notice of the first respondent in Na.Ka. No. A1/04721/208 (Ariya) dated 26.10.2018.

2.The petitioner had leased out the vacant land from the respondent Corporation and after getting approval, the petitioner had put up superstructure in the said land. Thereafter, the petitioner was holding a shop No.308/16 and he was doing retail business of Onion. For several decades, the petitioner and his ancestors were doing the said business. All of a sudden, the respondent Corporation, who was receiving the property tax for years together, has issued a notice to vacate the said premises within a period of 7 days without even giving sufficient opportunity to the petitioner.

3.The learned counsel for the petitioner mainly argued that the portion occupied by the petitioner will not be hindrance to the flow of traffic at any cost and since the petitioner and



his ancestors are carrying on business in the premises for more than 60 years, it is not fair on the part of the respondent Corporation to compel the petitioner to vacate the premises, that too, without giving sufficient opportunity to put forth his submission. It is his further submission that the shop number of the petitioner has been wrongly mentioned in the impugned notice.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents. This Court has perused the materials available on record.

5. On going through the impugned notice, it could be seen that in Ward No.27, Chennai Bye-pass road, there are several Onion shops. The Sub-Jail is in Ward No.19 Ariyamangalam Zone, Tiruchirappalli Corporation, where there is traffic congestion and therefore, the respondents wanted to extend the road under Smart City Scheme and in order to reduce traffic in the road, they wanted to vacate these shops in that area. Further, in the impugned order it could be seen that the petitioner is running shop No.308/18 and the said number is wrong and time granted is also 7 days and no sufficient time is granted to the petitioner, who is doing business for so many years.

6. In view of the above stated facts and circumstances, this Court is of the view that sufficient opportunity should be given to the petitioner. That apart, the shop number of the petitioner has been wrongly mentioned in the notice, which was issued by the respondent Corporation. Hence, this Court directs the respondent Corporation to withdraw the said notice and issue a fresh notice for vacating the shop after giving sufficient opportunity to the petitioner. Till such time, the petitioner shall not be disturbed and the respondents are directed not to precipitate the issue.

7. In fine, this Writ Petition is allowed. No costs. Consequently, connected W.M.P.(MD) No.20382 of 2018 is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

To,

1.The Assistant Commissioner,
Tiruchirappalli Corporation,
Ariyamangalam Zone,
Tiruchirappalli,
Tiruchirappalli District.



2.The Commissioner,
Tiruchirappalli Corporation,
Tiruchirappalli,
Tiruchirappalli District.

+1cc to Mr.M.Ashok Kumar, Advocate Sr.No.94556

+1cc to Mr.N.S.Karthikeyan, Advocate Sr.No.94843

CM

VB/PM/SAR4/28.11.2018/3P/5C

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